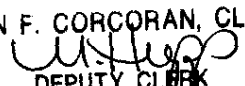


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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

| | | |
|-----------------------|---|-------------------------------------|
| WILLIAM DAVIS SCALES, |) | Civil Action No. 7:10-cv-00057 |
| Petitioner, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| GENE M. JOHNSON, |) | By: Hon. Jackson L. Kiser |
| Respondent. |) | Senior United States District Judge |

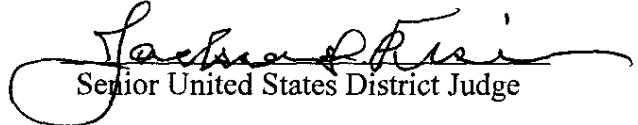
In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that respondent's motion to dismiss is **GRANTED**; petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** as untimely filed; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 9th day of June, 2010.


Senior United States District Judge